

## PBT Advisory Committee Draft Meeting Notes November 17<sup>th</sup>, 2004

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The fifth meeting of the PBT Rule Advisory Committee was held November 17, 2004, in Tacoma, Washington. The meeting was held at the Columbia Bank Building. A copy of the meeting agenda is included as Attachment 1\* on the Ecology PBT Rule web page (for November 17<sup>th</sup>).

The following advisory committee members attended the meeting:

Kate Davies, Physicians for Social Responsibility  
Dave Galvin, King County Hazardous waste management  
Steve Gilbert, Institute of Neurotoxicology and Neurological Disorders  
Diana Graham, American Chemistry Council  
Pete Hildebrandt, Washington State Petroleum Association  
Llewellyn Matthews (for Jeff Louch), NW Pulp and Paper Association  
Mo McBroom, WashPIRG  
Grant Nelson, Association of Washington Businesses  
Randy Ray, Pacific Seafood Processors Association  
Ivy Sager-Rosenthal, People for Puget Sound  
Pam Tazioli, The Breast Cancer Fund  
Laurie Valeriano, Washington Toxics Coalition

Ecology staff presenting information during the committee meeting:

Dave Bradley, Department of Ecology  
Mike Gallagher, Department of Ecology  
Greg Sorlie, Department of Ecology  
Ted Sturdevant, Department of Ecology

The following representatives from government agencies signed in:

Rick Manugian, Department of Ecology  
Pat Springer, EPA Region 10  
Ann Wick, Washington State Department of Agriculture

Additional stakeholders and members of the public also signed in:

Brian Rhodes, Shell Oil

Marc Daudon facilitated the meeting and Marley Shoaf took notes.

### Meeting Overview and Purpose

Marc Daudon welcomed advisory committee members and explained that the purpose of the meeting was to present and review Ecology's draft PBT Rule and obtain advisory committee input on the Rule. Marc explained that committee members can provide

Ecology with written comments and suggested changes to the draft Rule by next Wednesday, November 24. He explained that the current draft rule reflects the input from the advisory committee and the work of Ecology staff, as well as Steering Committee discussions. Marc emphasized that this is a draft rule, not a final rule.

Committee members commended Ecology for the documents they have prepared and for their efforts in drafting the PBT Rule. Several members said that Ecology has made a good effort to incorporate suggestions from the business and environmental interests on the committee.

Marc explained that Ted Sturdevant and Greg Sorlie were at the meeting to provide insight and answer questions related to the decision making on the draft Rule.

Marc reviewed the ground rules and process guidelines.

### New Advisory Committee Member

Marc told the committee that a new member representing the seafood industry, Randy Ray, would be joining the advisory committee to provide comments and input during the meeting. Ted explained that the fishing and seafood industry was alarmed by the PBDE CAP draft and the industry felt that they would be impacted by the PBT process and wanted a strong voice at the table. Ecology determined that bringing the seafood industry into the advisory committee process at this point, given the industry's level of concern, was important.

Several members were disappointed with the decision to allow a new member to join the committee. Members suggested that other groups, including environmental groups, did not realize the panel was open to new members and that other organizations would have fought for a place on the committee if they knew it was possible.

One member said that the decision to allow Randy to be on the committee is disrespectful to the committee and that members have invested a lot of time in the PBT Rule process. She expressed disappointment in Ecology for adding members at this late stage. Another member said that Randy's addition to the committee is very unfortunate and will be a disruption to the group. She questioned how Randy would get "up to speed" on all the committee's previous work. Ecology pointed out that the fishing and seafood industry is not represented at all at the table, whereas the environmental community is already represented. Several members raised the issue that there are many members of the environmental community that are not represented, including a group representing children's health. One member pointed out that children are just as important as fish.

Greg Sorlie explained that Ecology carefully thought about all of the issues that the committee raised.

Randy Ray introduced himself and stated that he represents the Pacific Seafood Processing Association and the At-Sea Processing Association. He thanked Ecology for allowing him to participate on the advisory committee and said the seafood processing industry needs to be included in the PBT Rule process. He explained that the exposure pathway to humans is primarily through diet and stated that he is concerned about the

PBT list and how Ecology will address health issues. He said that there are allegedly chemicals in fish, but that there are also a number of studies that show fish is good for pregnant women and cancer prevention. He is concerned about public health messages and said that information given to the public is not always good. He said that he does not think Ecology is considering all exposure pathways.

## Draft PBT Rule - Overview

Mike Gallagher distributed the Draft PBT Rule (Attachment 3\* on the Ecology PBT Rule web page for November 17<sup>th</sup>), a background document for draft PBT regulation (Attachment 2\* on the Ecology PBT Rule web page for November 17<sup>th</sup>), and a copy of Ecology's presentation (Attachment 4\* on the Ecology PBT Rule web page for November 17<sup>th</sup>). He explained areas of agreement and disagreement among advisory committee members from the previous four advisory committee meetings. He said that Ecology did their best to incorporate and consider areas of disagreement and agreement into the draft Rule.

### Areas of agreement:

- Criteria should be based on P, B, and T
- Criteria should be based on use and release in Washington
- Encourage voluntary measures to reduce releases in Washington
- Chemicals requiring monitoring need to be identified
- Chemicals should be ranked based on PBT characteristics
- CAP should include assessment of health affects, alternatives, and social and economic costs
- Changes to PBT list need to go through a rulemaking process
- Characteristics of a "good rule"
- Rule outline
- PBT list should not be tiered

### Areas of differing views:

- Long-term goals of Rule
- Relationship to PBT Strategy
- Precautionary principle
- Use and purpose of PBT list
- Selection criteria
- Metals
- Screening factors
- Chemical groups
- Initial PBT list
- Chemical groups

Mike explained that Ecology is working with a series of underlying assumptions: 1) environmental problems can be addressed through Ecology programs, however, PBTs are unique and the current regulatory approach is not well suited for dealing with PBTs and 2) PBTs require an approach beyond a single media regulatory approach. Mike said that the PBT criteria are based on criteria that are already developed by the

EPA and international organizations as well as screening factors such as the legislative direction to exclude pesticides from the list.

Comments and questions:

- **Some areas of agreement are incorrect.** Some members pointed out that they did not agree that changes to the PBT list need to go through a formal rulemaking process. They also did not agree in the four purposes of the list that Ecology described.
- **Biomonitoring should be an area of agreement.** Members said that there was general agreement that the PBT list would provide a general guidance for the Department of Health to conduct biomonitoring work.
- **Criteria of P, B, and T are not completely agreed upon.** Some members said that they have a problem with the criteria of P and B and T and that the P and B, or T criteria are more appropriate.

Ecology said that they will have a draft PBT list for the committee before the final meeting; they are currently incorporating final information from the EPA's PBT list.

### Draft PBT Rule: Part 1 General Provisions

Mike described the sections included in the General Provisions: 1) Goal and Purpose, 2) Applicability, 3) Chapter Summary, 4) Exemptions to the PBT list, and 5) Administrative Principles.

#### *Comments on Section 100 - Goal and Purpose*

- **Ecology needs a formal process that engages the Department of Health (DOH).** One member said that the way to minimize exposure is through diet and that Ecology should not take sole responsibility for educating the public about diet and health information. He stated that Ecology does not always agree with DOH and that DOH needs to be involved to provide the check and balance that Ecology is missing in this process. He also said that the rule needs to include fish.
- **DOH should be incorporated throughout the Rule.** Several members agreed that DOH's role should be strengthened in the CAP process and throughout the Rule, particularly with regards to biomonitoring efforts. Members stressed the importance of coordinated efforts between Ecology and DOH and pointed out that the Executive Order directs Ecology to consult with DOH. Member suggested changing language from "Ecology *may* consult with Health" to "Ecology *shall* consult with Health."

Ecology explained that they cannot put agreements between agencies into Rule and explained that DOH is supportive of the PBT Rule. He said that Ecology received direction from the Attorney General's office that DOH cannot be mandated to have a role in the Rule and that increased communication between Ecology and DOH is going occur outside the Rule. **ACTION ITEM: Ecology will try to get a written statement from the Attorney General that the committee can review about including DOH in the Rule.**

- **The Rule should reflect State government.** One member said that it is important for local governments to have rules that are applied on a State level, not by a single agency. Ecology suggested that the member should draft language and that Ecology will consult with the Attorney General.
- **Ecology needs a process to remove chemicals from the PBT list or identify chemicals that have been addressed.** One member said that when Ecology is revising the list (part 1(c)), they need a method for identifying chemicals for which CAPs have been prepared or have gone through the CAP process. She suggested incorporating categories or a system similar to Ecology's impaired water body list.
- **The goal of the Rule is to protect human health.** One member would like this to be the first sentence in the goals statement.
- **Members have several word changes.** Several members have changes they would like to see in the language, particularly regarding the words "feasible," "possible," "reduce," and "eliminate." Members will send Ecology their suggestions for revisions by Wednesday, November 24<sup>th</sup>.
- **Disagreement about incorporating the Strategy document into the goals section.** Some members said that the goal of the Rule is to help implement the Strategy document and that the goals statement should not depart or weaken the goal of the Strategy. Other members pointed out that the Strategy is a "white paper," not a finalized document and that it does not carry the same weight as the Rule and that Ecology cannot import items from the Strategy into the Rule.
- **Goals should not be limited to Washington State.** One member said that part 1(a) should not be limited to Washington State. She said that specifying Washington State in other parts of the Rule may be appropriate, but not in the goals section.
- **Disagreement about Precautionary Principle.** Some members said the precautionary principle should be included in the goals section, while other members disagreed.

**ACTION ITEM:** Ecology will prepare a clear, written explanation of the relationship between the Strategy document and the Rule. They explained that they do not want a Strategy that is inconsistent with the Rule or vice versa. Ecology explained that if they adopt the PBT Rule and there is a conflict with the Strategy, they will update and finalize the Strategy.

#### *Comments on Section 110 - Applicability*

- **The Rule should apply to the State, not just Ecology.** Members will propose draft language and give it to Ecology by Wednesday.
- **If a chemical is a PBT, is it also a certified hazardous waste substance?** One member questioned the numerical code "333" that the Rule is written under and asked if PBT chemicals will automatically be hazardous substances because the Rule is written in the hazardous waste regulations section. Ecology said the Rule will stand by itself and chemicals do not become hazardous waste simply by making the PBT list.

### *Comments on Section 120 - Chapter Summary*

- **This section should be taken out of the Rule.** Several members agreed that Ecology should eliminate this section from the Rule. One member suggested that this section would make a good fact sheet. If Ecology decides to keep this section in the Rule, members will submit alternative language for Ecology to consider.

### *Comments on Section 130 - Exemptions to the PBT List*

- **What is the process for exempting chemicals from the list.** One member said that ecology should describe the exemption process, especially if they have a chapter on exemptions. One member pointed out that in order to exempt a chemical or change the Rule, there would need to be a formal rulemaking process. Other members said that Ecology did not go through a formal rulemaking process to exempt pesticides.
- **Ecology needs to check if they can write an effective date into the Rule.** One member said that Ecology should check with the Attorney General about the legal requirements of writing an effective data into Rule.

### *Comments on Section 140 - Administrative Principles*

- **Concern about the implementation of the Strategy.** One member said that he was concerned about implementing a proposed strategy suggestion in part (1).
- **"Sound science" should not be used in the Rule language.** Several members said they were concerned with the term "sound science." One member pointed out that the term is contradictory to the second sentence in part (2) in which Ecology refers to "lack of scientific certainty." Committee members will submit draft language changes to Ecology.
- **"Reasonable measures" should be taken out of the Rule language.** One member suggested that Ecology simply say "measures" rather than "reasonable measures."
- **The Precautionary Principle should be specifically addressed.** Some members said that Ecology should address the precautionary principle and that there is a body of literature that defines the principle. One member distributed a document from the Breast Cancer Fund and suggested that the precautionary principle language used in the document is a good model. Some members do not agree with specifically including the Precautionary Principle in the Rule, but do agree that some language about precaution could be included in the Rule.
- **Is the Administrative Principles section necessary?** One member questioned if the chapter was needed in the Rule. Other members said the chapter is important.
- **Public involvement language should be changed.** One member said that part (3) should read "public involvement needs to occur during decision-making," rather than "public involvement is encouraged."
- **Ecology should coordinate with the Federal government.** One member suggested that Ecology should add the Federal government to part (6), coordination with other agencies or groups.

- **Economic considerations need to be included in the chapter.** Ecology responded that economic considerations are included in Section 420 – Contents of the CAP.

## Draft PBT Rule: Part II Definitions

Ecology explained that the purpose of the definition chapter is to provide clarity to words used in the Rule. Committee comments regarding the definitions include:

- **What is the source of the definitions?** Members asked if the definitions were from a single source or if they were created by Ecology. Ecology explained that they have references for most of the definitions and that the sources were included in earlier drafts of the Rule.
- **Bioaccumulation.** Some members said that the word “organisms” used in this definition is too broad and that “humans” may be better. One member disagreed and said that if chemicals are getting in fish, the term needs to be broad. One member suggested that Ecology should look at EPA’s combined glossary on-line (Ecology said they have).
- **Carcinogen.** One member disagrees with the last sentence used in the definition and said that it sounds like Ecology is saying that it only one study is needed. Ecology explained that the definition was taken from the EPA and may be out dated and captures information that was available 20 years ago. One member asked why Ecology was only using EPA’s definition and suggested that they look at IARC or other agencies definitions. The committee discussed different types of tumors and how they relate to cancer and the definition of a carcinogen. Members had different suggestions for the definition which they will provide to Ecology.
- **Chemicals.** One member suggested that Ecology should amend this definition so that it does not sound like the word “naturally occurring” applies to all chemicals.
- **Chemical Action Plan.** Some members suggesting moving the word feasible so that it applies to more than just eliminating uses and releases. Other members disagreed and said that the use of the word feasible is consistent with the Strategy. Members will submit their specific suggestions to Ecology.
- **Ecology PBT Strategy.** Members questioned if it is problematic to include a definition of the Strategy in the Rule. One member said that Ecology cannot reference a document that is not in existence. Ecology will take a closer look at the use of this definition and the use of the Strategy in the Rule.
- **Environment.** Several members agreed that the definition of environment should not be limited to Washington State. One member said that Ecology should include the word “human” in the definition.
- **Feasible.** Some members said that the definition should be the standard definition used in the dictionary. (Members did not agree on whether or not Ecology should use feasible or possible).
- **Minimize.** Some members said that this definition should be the standard definition used in the dictionary.
- **Persistence.** One member said that this definition is not consistent and should state “tendency to remain in the environment.”
- **Reduce and where possible eliminate.** Members agreed that this should not be a defined in the Rule.



- **Toxicity.** One member said that this definition is old and that it should say “any substance (chemical or physical agent) that causes harm,” rather than “any substance that causes injury or death.” Some members suggested using the EPA definition and one member said that term is defined numerically in other sections of the Rule and does not need to be in the definitions chapter.

#### *Words to add to the definitions section*

- Administrative Procedures Act 3405
- Biomonitoring
- Human health
- Reference dose
- Sound science
- Aquatic toxicity
- Precautionary Principle
- Department of Health
- Sensitive populations
- Cancer slope factor

### Public Comment

One member from the audience spoke during the public comment period.

**Brian Rhodes - Shell Oil.** Brian said that Ecology’s intent in using the word feasible is to demonstrate the balance of ideas between environmental and business groups. He said that it is possible to do many things but Ecology needs to maintain a balance of options that are technically feasible.

### Draft PBT Rule: Part III - The PBT List and Criteria and Procedures for Revising the List

Dave Bradley summarized the following five sections: 1) Purpose of the PBT list, 2) the PBT list, 3) Criteria for adding chemicals to the PBT list, 4) Criteria for removing chemicals from the PBT list, and 5) Ecology’s process for revising the PBT list.

#### *Comments on Section 300 - Purpose of the PBT list*

- **Ecology should not say that every chemical on the list poses a threat.** One member said that DOH said that PBDE levels in fish are not a threat, therefore, Ecology should not place them on the PBT list. He also stated that Ecology should not give dietary advice or direction to the public.
- **The home environment should be mentioned.** One member said that the home is an important environment for persistent chemicals and should be included.
- **PBT list is a list of chemicals that *may* require further action.** One member had several minor changes to this section including modifying part (1) to say that chemicals on the list may require further action. He will submit the remainder of his suggestions to Ecology.
- **The purpose section should be shortened.** One member said the purpose of the list is too long and she will provide alternative language.
- **Monitoring should include more than ambient monitoring.** Some members said that monitoring should be expanded.
- **Section three is too negative and unnecessary.** One member suggested removing this section or making the statements more positive.



- **Purpose of the PBT list should be to focus on clean-up.** One member pointed out that the purpose of the list should also be to focus on clean-up at contaminated sites.
- **Disagreement over the purpose of the list.** Some members said that the purpose of the PBT list should be expanded and that there needs to be additional means to address PBTs than just through the CAP process. Other members disagreed and were concerned about expanding the purpose of the list beyond the four items that Ecology has identified.
- **Preventing new sources of PBTs should be an intended use of the PBT list.** One member said that as new industry moves into the state it would be helpful to have a list of chemicals that are potentially problematic. She said that the presence of a chemical on the list may prevent a new industry from using it.
- **The PBT list should be used for biomonitoring efforts.** Several members said that the PBT list should drive biomonitoring efforts. One member said that if every chemical on the list requires additional monitoring or public education, then a lot of resources will be needed. He said that there needs to be a process for selecting chemicals for additional monitoring. One member stated that availability of resources should not drive Ecology's decisions around biomonitoring.
- **Is the PBT list a higher priority than the Superfund list?** One member was concerned that other programs or lists of chemicals would be ignored as a result of the PBT list. Ecology explained that the PBT list is separate from other chemical lists, including the Superfund list.

#### *Comments on Section 320 - Criteria to add chemicals to the PBT list*

- **Presence in Washington as criteria.** There was a discussion between Ecology and a few committee members regarding the decision to include presence in Washington as criteria for the list. Some members do not think presence in the State should be a criterion for including a chemical on the PBT list. Members will propose specific language for Ecology to include in the draft Rule.
- **Disagreement on the half-life values.** One member said that the 60 days in soil in sediment that Ecology used is shorter than most half-lives used by other agencies and is not realistic. She said that half-lives used by UNEC and UNEP are 6 months. Another member disagreed and said that several groups use a half-life of 60 days: Great Lakes Binational, EPA water quality criteria, EPA waste minimization prioritization tool, the EU, Toxic Release Inventory, the REACH program, and the Toxics Substances Control Act. She also said that EPA has extensive rationale for why 2 months is the correct half-life to use.
- **Reference doses are often out of date.** One member was concerned about using the reference dose because they can be out of date. He said that Ecology needs to take into account multiple exposures to chemicals as well as synergistic and additive effects of chemicals. He would like this to be included in the Rule in the toxicity section. Another member suggested that neurodevelopmental effects should be addressed with toxicology. Members will submit suggestions to Ecology.

- **Ecology should look at EPA's metal assessment.** One member said that Ecology should look at EPA's metal assessment before listing metals on the PBT list.
- **Disagreement on P, B, and T criteria.** Some members said that chemicals need to be P and B and T to make the list, while other members disagreed. Members will submit their proposed changes to Ecology.

*Comments on Section 330 - Criteria to remove chemicals from the PBT list*

- **Clear and convincing is not a good term.** One member suggested that "clear and convincing" is a high standard of proof and that Ecology will never remove any chemicals from the list with that standard.
- **Chemicals should be removed from the list through Rule.** One member suggested that if a business wants to remove a chemical from the PBT list, it should be done through a formal rulemaking process. He will submit specific suggestions for Rule language.
- **Ecology needs a category for chemicals that have been addressed.** Some members suggested that Ecology should have a category that includes chemicals for which CAPs have been completed or for which no action can be taken on the chemical. Some members disagreed and said there doesn't need to be categories. One member suggested that ranking may solve this issue.

*Comments on Section 340 - Ecology's process to revise the PBT list*

- **"In accordance with APA" should be added.** One member suggested that the APA should be integrated into each part of this section. He will provide Ecology with specific language.
- **Disagreement over how often the list should be updated.** Some members said that the list should be reviewed more than once every 5 years and suggested 3 years was a better timeframe. Other members thought 5 years was adequate, while some members questioned why a timeframe needed to be specified at all.

*Comments on Section 310 - Chemicals or chemical groups on the PBT list*

Dave explained that the PBT list in the draft Rule was a sample list and that chemicals are listed in alphabetical order, not in systematic ranking.

- **Disagreement about whether or not the PBT list should be categorized.** Some members questioned why the list needed to be divided into categories. One member said she thought that the committee had decided not to list chemicals based on high, medium, or low threat. Ecology explained that they included a ranking system based on committee comments from previous meetings. One member said that after seeing a ranked list, she is not sure it makes sense to rank the chemicals. Another member said that if there is no outcome based on chemical ranking, then there is no point in ranking the chemicals in the first place. One member suggested that having categories will give Ecology a targeted approach for removing chemicals from the list in the future. Another member said that ranking the chemicals is important in order to address the most toxic chemicals first.

- **"Potentially poses a threat" should be a category.** One member said that "potentially poses a threat" should be added as the fourth category. He said that PBDEs would fall under this category and he is concerned from a marketing standpoint about the impact of the chemical ranking on the fish market.
- **What is the purpose of the "ranking considerations" column?** Ecology explained that the purpose of the column was to clearly identify the reason that specific chemicals were on the list. Members were supportive of this approach.
- **Ecology should explain where chemicals are found.** One member asked Ecology to include with the PBT list a description of the products (and animals) in which the chemicals are found. Ecology said that this would be very difficult, especially considering the time constraint. Committee members suggested that this information already exists.

**ACTION ITEM:** Ecology said that they will distribute the draft PBT list to the committee the week after thanksgiving. They will also include a comparison between their proposed list and the EPA's PBT list. Ecology will email these documents to the committee.

## Draft PBT Rule: Part IV - Chemical Action Plans

Mike briefly reviewed the 4 sections of the chapter on CAPs: 1) CAP overview 2) How chemicals will be selected for CAPs, 3) The contents of a CAP, and 4) The process to prepare CAPs.

### *Comments on Section 400 - What is a CAP?*

- **A CAP should address *all* sources.** One member said that the last sentence of this section should be changed to say that "CAPs will address PBT releases from all sources."
- **This section should be consistent with the goal and purpose of the Rule.** One member stressed the importance of being consistent with the overall goal and purpose of the Rule. He will submit specific language suggestions to Ecology.
- **Alternative products may be a problem.** One member expressed concern about the lack of information surrounding alternative products and said that there needs to be an evaluation of the alternative products. He also questioned who would be making the decision on alternates - policy groups or environmental assessment groups.

### *Comments on Section 410 - Evaluation factors for CAP preparation*

- **Sensitive population should be defined.**
- **Exposure pathways should be a selection factor.** A couple of members said that Ecology should consider exposure pathways when deciding whether or not to prepare a CAP for a certain chemical.
- **Biomonitoring or body burden should be a selection factor.**
- **Presence in Washington should be considered at the CAP preparation stage.**
- **The selection factor "relative ranking" should be reconsidered.** One member said that if Ecology decides not to have a ranked PBT list, then this selection factor needs to be reconsidered or better explained.

- **Federal efforts and APA language should be included.** One member has specific suggestions to include Federal efforts and APA language; he will provide Ecology with his suggested changes.

**ACTION ITEM: Ecology will distribute committee members' comments and suggestions to all committee members via email.**

#### *Comments on Section 420- Contents of the CAP*

- **Identification of sources should be added.** One member suggested adding a bullet for identifying sources in part (1).
- **Information from each source category would be helpful.** One member said that information on each source category, to the extent that is available, would be helpful in part (2).
- **Regulatory consistency is important.**
- **Economic analysis section should include health and social costs.** Members supporting a broad economic analysis will provide Ecology with existing economic models that consider health and social costs. One member said that the cost of removing the product from consumers should also be considered.
- **Alternative products should be an improvement to existing products.** Members have specific suggestions for part (4). One member suggested that Ecology should add a statement about identifying less toxic alternatives.
- **PBDE CAP process is a good model for looking at chemical alternatives.** One member suggested that the PBDE CAP process is a good example of how to consider alternatives and said that alternatives should be more than just alternative chemicals. She suggested that product design changes are also important.
- **Part (7) should say "CAP," not "rule."** Ecology said that they will make the correction to the third bullet in part (7).
- **Subsection (a) of "Regulatory consistency" should be stricken.** One members said that the intent of (a) is defined in (c), therefore does not need to be included.
- **"Body burden" should be added to part (1).** One member suggested that "body burden" should be added to part (1) and that the second bullet should have a comma between human health and exposure.

Ecology clarified that in part (4) Policy Options, "alternative approaches" does not refer to alternative chemicals, rather it refers to a range of policy options.

#### *Comments on Section 430 - Process to prepare CAPs*

- **DOH should do the portion of the CAP that has to do with human health exposures.** One member said that DOH needs to be involved in elements of the CAP related to human health exposure.
- **Public comment period should be extended.** One member said that Ecology should consider extending the 30 day comment period to 60 days. He said that the 30 day comment period for the PBDE CAP was too quick and it was difficult to include his interested parties in the process.

- **Notice of the CAP should be published in the State Register.** Ecology will determine if this can be done.
- **Concern over CAP process delay.** Some members were concerned that increasing the public comment period will delay the CAP process and that there needs to be language about not exceeding 60 days.
- **Disagreement over a requirement to complete a certain number of CAPs in a specified time period.** Some members said that there should be a requirement for the number of CAPs Ecology prepares each year and a limit on the time that a CAP should take. Members said that it was an efficient use of resources and a good goal to strive for. Other members disagreed and said that the quality of the CAP is very important and could be compromised in a rushed process. One member suggested that it does not matter if a timeline is put into the Rule because there are no repercussions if Ecology does not adhere to the timeline.
- **Concern about the word "known."** Some members were concerned about the implications of using the word "known" in the section.
- **Phasing out and eliminating may not be the answer.** One member said he that phasing out chemicals or eliminating them may not always be the best answer and suggested that chemicals need to be managed. Another member suggested that Ecology *is* managing chemicals and that the overall goal is to reduce and eliminate chemicals.
- **Disagreement about the word "feasible."** Members did not agree on using the word "feasible." Members will provide Ecology with specific language suggestions by Wednesday.

Greg Sorlie explained that Ecology needs to provide the Governor with the draft Rule by mid-December and that committee members should submit their suggested changes to Ecology as soon as possible. Ecology's target date to send the final draft of the Rule to the committee is December 7<sup>th</sup>.

## Next meeting

The next advisory committee meeting will be held on December 14th and will likely be a half day meeting in the morning. Ecology will confirm the date, time, and location of the next meeting.

\*Attachments can be found on the Department of Ecology's website or obtained by email from Mike Gallagher.

## Meeting adjourned